

Appn. No. 10/053,871

New Attorney Docket No.: 544422000300

**COPY**

a.) Introductory Comments

**RESPONSE TO OFFICE ACTION AND AMENDMENT**

In response to the Office Action, mail dated March 11, 2003 (Paper No. 5), applicant respectfully requests entry of the following amendments to the specification and the claims, and reconsideration of the rejections of record in view of applicant's remarks.

**COPY****PATENT****DATE:** July 11, 2003**Applicant:** James D. THACKER**Application No.:** 10/053,871**New Atty Docket No.:544422000300****Atty:** JR/VV**Mark:** RAPID METHOD FOR MICORBIAL TYPING AND ENUMERATION**Client:** GeneBact

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon::

- Fee Transmittal w/ authorization to charge \$55 Extension Fee, \$55 Terminal Disclaimer Fee and \$81 additional claims fees to Deposit Account No. 03-1952;
- Request for One Month Extension of Time and Response to Office Action and Amendment;
- Corrected Drawings, Figs. 1-5; and
- Terminal Disclaimer (2 pp.).

**DOCKETED**

F105091 (V1-03)  
Approved: \_\_\_\_\_ through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark \_\_\_\_\_ U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\\$) 191
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### Complete If Known

Application Number	10/053,871
Filing Date	January 24, 2002
First Named Inventor	James D. THACKER
Examiner Name	Jana A. Hines
Group / Art Unit	1845
Attorney Docket No.	544422000300

### METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money  Other  None  
Order

Deposit Account:

Deposit Account Number  
03-1952

Deposit Account Name  
Morrison & Forester LLP

The Commissioner is authorized to: (check all that apply)  
 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 280	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			(\\$) 0

#### 2. EXTRA CLAIM FEES

Total Claims	44	-35 **	= 9	X 9	= 81
Independent Claims	4	-4 **	= 0	X 0	= 0
Multiple Dependent			X 0		= 0

#### Large Entity

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid ** Reissue independent claims over original patent	
1204 84	2204 42	** Reissue claims in excess of 20 and over original patent	
1205 18	2205 9		
<b>SUBTOTAL (2)</b>			(\\$) 81

\*\* or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or cash	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1806 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	55
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 180	Notice of Appeal	
1402 320	2402 180	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)	
1806 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patient assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer			55

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\\$) 110

Complete (if applicable)

Name (Print/Type)	James Remenick	Registration No. Attorney/Agent	36,902	Telephone	(703) 760-7700	
Signature					Date	July 11, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231. If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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**MORRISON & FOERSTER LLP**

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NAME:	FACSIMILE:	TELEPHONE:
Examiner Jane A. Hines USPTO, GAU 1645	(703) 308-4242	(703) 305-0487

**FROM:** James Remenick**DATE:** September 11, 2003

Number of pages with cover page:	24
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**Comments:**

**RE:** U.S. Patent Application No. 10/053,871  
**Filed:** January 24, 2002  
**Applicant:** James D. THACKER  
**Title:** Rapid Method for Microbial Typing and Enumeration  
**Atty. Docket No.:** 544422000300

**Examiner Hines:** I have enclosed a complete copy of the filing from July 11, 2003, including the PTO date-stamped receipt. Please do not hesitate to contact me if I can be of further assistance.

Jim Remenick

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NAME:	FACSIMILE:	TELEPHONE:
Examiner Ja-Na Hines USPTO, GAU 1645	(703) 872-9306	(571) 272-0859

**FROM:** James Remenick

**DATE:** March 3, 2004

Number of pages with cover page:	25	54442-20003.00 10118
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**Comments:**

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